

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PDC07-086 & PD07-094. Planned Development Zoning and Planned Development Permit to rezone from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 139 affordable housing multi-family attached residential units and 11,101 square feet for retail commercial uses on a 1.16 gross acre site located on the southeast corner of South 2nd Street and Keyes Street. (Patel, Shantaben N and Naranji V, Owner /First Community Housing, Developer) Council District: 3

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed projects on **June 10, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **May 20, 2008** and ends on **June 10, 2008**.

A public hearing on the project described above is tentatively scheduled for **June 11, 2008** at **Planning Commission Hearing** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Biblioteca Latino-Americana Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Ella Samonsky** at (408) 535-3555.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 5/20/08

Deputy



Scale: 1"= 400'

Map Created On: 10/23/2007

Noticing Radius: 1,000 feet

File No: PDC07-086

District: 3

Quad No: 83

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING** at a public hearing in accordance with the San José Municipal Code on:

Planning Commission Hearing
Wednesday, June 11, 2008
6:30 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

City Council Hearing
Tuesday, August 12, 2008
7:00 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

The project being considered is:

PDC07-086. Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 135 affordable housing multi-family attached residential units and approximately 11,101 square feet for retail commercial uses on a 1.16 gross acre site, located at/on the southeast corner of South 2nd Street and Keyes Street (1140 S 2ND ST) (Patel Shantaben N And Naranji V, Owner; First Community Housing, Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are available for review during the week of the public hearing from 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
(408) 535-7800
<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883 và đọc số dự án PDC08-086 . Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709 , e indique el número de proyecto PDC08-086.**

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Ella Samonsky**, at 408-535-7892 the e-mail address: ella.samonsky@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel, Director
Dated: May 19, 2008



Lee Price, MMC, City Clerk
Noticing Radius: 1000 ft

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Second Street Studios

PROJECT FILE NUMBER: PDC07-086 & PD07-094

PROJECT DESCRIPTION: Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 139 affordable housing multi-family attached residential units and 11,101 square feet for retail commercial uses on a 1.16 gross acre site and subsequent permits

PROJECT LOCATION & ASSESSORS PARCEL NO.: 477-01-074; 477-01-079, & 477-01-082

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: First Community Housing, 75 East Santa Clara Street, San Jose, CA 95113 Contact Shelley Ratay (408) 291-8650

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. AESTHETICS

- Design of the project shall conform to the City's *Residential Design Guidelines* and *Commercial Design Guidelines*.
- Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

II. AIR QUALITY

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

III. BIOLOGICAL RESOURCES

- All trees that are to be removed from the site shall be replaced at the following ratios, as per the City's requirements.

Diameter of Tree to be Removed	Type of Tree to be Removed	Minimum Size of Each Replacement Tree
	Non-Native	
18 inches or greater	4:1	24-inch box
12-17 inches	2:1	24-inch box
Less than 12 inches	1:1	15-gallon container
x:x = tree replacement to tree loss ratio Note: Trees greater than 18" in diameter shall not be removed unless a tree removal permit, or equivalent, has been approved for the removal of such trees.		

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting

shall be provided to the Planning Project Manager prior to issuance of a development permit.

- The following tree protection measures will be included in the project in order to protect trees to be retained:

Pre-construction

- The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 foot chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During Construction

- No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
- Supplemental irrigation shall be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

IV. CULTURAL RESOURCES

- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the developer shall complete in order to mitigate archaeological

impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and duration of archaeological resources.)

- As required by County ordinance, this project shall incorporate the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

V. GEOLOGY AND SOILS

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation report addressing the potential liquefaction hazards on the site shall be submitted to, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center (SCEC report).

VI. HAZARDS AND HAZARDOUS MATERIALS

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

VII. HYDROLOGY AND WATER QUALITY

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Construction Measures

- Obtain and comply with the NPDES General Construction Activity Storm Water Permit. Prior to construction, the developer shall file a Notice of Intent and develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.
- Incorporate Best Management Practices (BMPs) into the project to control the discharge of storm water pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*.
- Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, CA 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures*. For additional information about the Erosion Control Plan, NPDES Permit requirements, or the documents mentioned above, please contact the Department of Public Works at (408) 535-8300.
- Comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation. Comply with the San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs shall be implemented to prevent storm water pollution and minimize potential sedimentation during construction:
 - Restrict grading to the dry season (April 15 through October 15).
 - Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.
 - Provide temporary cover of disturbed surfaces to help control erosion during construction.
 - Provide permanent cover to stabilize the disturbed surfaces.

- Utilize stabilized construction entrances or wash racks.
- Implement damp street sweeping.

Post-Construction Measures

- Prior to the issuance of a Planned Development Permit, the applicant shall provide details of specific Best Management Practices (BMPs) including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled “No Dumping – Flows to Bay,” to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of storm water of new development.
- The project shall comply with applicable provisions of the following City Policies: 1) Post-Construction Urban Runoff Management Policy (6-29), which establishes guidelines and minimum BMPs for all projects, and 2) Post-Construction Hydromodification Management Policy (8-14), which provides for numerically sized (or hydraulically sized) TCMs.”

VIII. NOISE

Exterior

- Construct 42” high acoustically-effective railings at all proposed balconies, decks, and terraces. The railing height is in reference to the nearest balcony, deck or terrace floor elevation.

Interior

- The project shall incorporate building sound insulation requirements to meet the requirements of the California Building Code to reduce interior noise levels to 45 dBA DNL or lower. The following construction measures shall be incorporated into the project to ensure that interior noise levels will be adequately reduced to 45 dBA DNL or lower:
 - All windows and glass doors of living spaces shall be required to be closed at all times.
 - At the living spaces with a direct side view of First Street, Second Street, or Keyes Street, the project shall install windows and glass doors rated minimum Sound Transmission Class (STC) 29. Any other type of glass will be acceptable for the other noise impacted living spaces.
- The project shall include for all living spaces forced-air mechanical ventilation satisfactory to the local building official for all new units with closed window/glass door requirements, so that windows can be closed at the occupant’s discretion to control noise.

Construction Noise Standard Measures

- Construction shall be limited to the hours of 7 AM to 7 PM Monday through Friday for any onsite or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Locate stationary noise generating equipment as far as possible from sensitive receptors. Acoustically shield stationary noise sources when located in areas adjoining sensitive receptors.
- Temporary eight-foot plywood noise barriers shall be constructed at the project perimeter to shield noise-sensitive land uses within 50 feet of the project site.
- Utilize "quiet" air compressors and other "quiet" equipment where technology exists.
- Prohibit unnecessary idling of construction equipment.
- Properly maintain and muffle all internal combustion-driven construction equipment.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive residential uses so that construction activities can be scheduled to minimize noise disturbances.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

IX. PUBLIC SERVICES

- The developer shall pay a school impact fee to the School District in accordance with California Government Code §65996 to offset the increased demands on school facilities.
- The project shall conform to the City's Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) (Municipal Code Chapter 19.38).

X. RECREATION

- The project shall conform to the City's Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) (Municipal Code Chapter 19.38).

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on June 10, 2008 any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 5/20/08

Deputy

Adopted on: _____

Deputy

Revised 10/19/07 JAC